THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26616 OF 2007

Date: 13.12.2007

Between:

Yerra Rajitha

. . .Petitioner

AND

The District Collector, Warangal
and others

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26616 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not referring the matter pertaining to payment of compensation in respect of land situated in Survey Nos.516/B/2 and 518/A of Pedda Nagaram Village, Narasimulapeta Mandal, Warangal District, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, the petitioner pleaded that she is the sister of respondent No.3; that her father died during the year 1994 leaving behind his two wives Anasurya and Susheela and three daughters as legal heirs; that her marriage was performed in the year 2000 and that of her sister (respondent No.3) in the year 1993. The petitioner further pleaded that respondent No.3 got the properties mutated in her name in the revenue records, while the petitioner was minor and thereby, she deprived the petitioner of her legitimate share and that on an earlier occasion in respect of part of the property acquired for Sri Ram Sagar Project (SRSP), compensation was also claimed and paid to respondent No.3. The petitioner further pleaded that now, she came to know that the respondents are again proposing to acquire the land in Survey Nos.516/B/2 and 518/A of Pedda Nagaram for SRSP. On 03.09.2007, the petitioner claimed to have got legal notice issued to respondent Nos.1 and 2, wherein she called upon them not to pay any further compensation without considering the claim of the petitioner or refer the dispute to civil Court for proper adjudication of the right and title.

Heard Sri Namavarapu Rajeshwar Rao, learned counsel for the petitioner.

The affidavit filed in support of the writ petition is vague to the core. The petitioner failed to indicate the extent of the property, which is proposed to be acquired and the date of notification under Section 4(1) and declaration under Section 6 of the Land Acquisition Act, 1894 (for short 'the Act') issued, if any. Unless the petitioner prima facie establishes that any land, in which she has interest is proposed to be acquired under the provisions of the Act, she is not entitled in law to claim any compensation or set the process under Sections 30 and 31 of the Act in motion. The petitioner without raising necessary pleadings and submitting any document whatsoever in support of her apprehension that the land, in which she has interest is proposed to be acquired by the respondents, is not entitled to maintain this writ petition.

For the aforementioned reasons, the writ petition is dismissed.

C.V.NAGARJUNA REDDY, J

13th DECEMBER, 2007

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